

**COUNCIL OF THE CITY OF ABERDEEN**  
**Charter Amendment Resolution No. 22-CR-01**

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**Date Introduced:** February 28, 2022

**Sponsored by:** Councilman Adam Hiob and Councilwoman Sandra Landbeck

**Public Hearing:** March 14, 2022 and March 28, 2022

**Amendments Adopted:** June 27, 2022 and July 11, 2022

**Date Adopted:** July 11, 2022

**Date Effective:** August 30, 2022

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1 **A CHARTER AMENDMENT RESOLUTION** concerning

2  
3 **Revisions to City's Structure of Government**

4  
5 **FOR** the purpose of altering certain provisions of the Aberdeen City Charter to reallocate  
6 certain powers, duties and responsibilities of the City's Mayor and City Council;  
7 limiting certain legislative responsibilities of the Mayor; eliminating the position of  
8 City Manager and reallocating duties and responsibilities of the City Manager; altering  
9 the method of electing, term of office and compensation of the Mayor; providing for a  
10 Council President and the duties and responsibilities of that office; providing for a  
11 transition to staggered terms for Council members; altering the terms of office for  
12 Council members; providing that the Mayor and Council members shall be elected on a  
13 non-partisan basis; authorizing the City Council, by ordinance, to provide for the  
14 payment of the cost of an election recount by the candidate requesting a recount and to  
15 provide for the casting of votes by absentee ballots; eliminating obsolete provisions and  
16 making stylistic revisions; and generally related to revisions to the City's structure of  
17 government.

18  
19 **BY** repealing and reenacting, with amendments  
20 §IV. The Mayor  
21 Sections IV.1, IV.2, IV.3, IV.4, IV.5, IV.6, and IV.7  
22 Charter of the City of Aberdeen (as published by General Code Corporation)

23  
24 ~~**BY** repealing~~  
25 ~~§IV. The Mayor~~  
26 ~~Sections V.8 and V.9~~  
27 ~~Charter of the City of Aberdeen (as published by General Code Corporation)~~

28  
29 ~~**BY** adding~~  
30 ~~§IV. The Mayor~~  
31 ~~Section V.8~~  
32 ~~Charter of the City of Aberdeen (as published by General Code Corporation)~~  
33

- 1 **BY** repealing and reenacting, with amendments  
2 §VI. Officers, Department Heads and Employees  
3 Sections VI.1, VI.2, VI.3, VI.4, VI.5, VI.6, VI.7, VI.8, VI.12 and V.13  
4 Charter of the City of Aberdeen (as published by General Code Corporation)  
5  
6 **BY** repealing and reenacting, with amendments  
7 §VIII. Finance and Taxation  
8 Section VIII.3  
9 Charter of the City of Aberdeen (as published by General Code Corporation)  
10  
11 **BY** repealing and reenacting, with amendments  
12 §V. The City Council  
13 Sections V.1, V.2, V.3, V.4, V.6, and V.7  
14 Charter of the City of Aberdeen (as published by General Code Corporation)  
15  
16 **BY** repealing and reenacting, with amendments  
17 §VII. Elections and Board of Elections  
18 Section VII.14  
19 Charter of the City of Aberdeen (as published by General Code Corporation)  
20  
21 **BY** adding  
22 §VII. Elections and Board of Elections  
23 Section V.17  
24 Charter of the City of Aberdeen (as published by General Code Corporation)  
25  
26 **BY** repealing and reenacting, with amendments  
27 §X. General Provisions  
28 Sections X.1. and X.3  
29 Charter of the City of Aberdeen (as published by General Code Corporation)

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to Resolution.  
~~Strike-Out~~ indicates matter stricken from Resolution by amendment or  
deleted from the Charter by amendment.  
\* \* \* indicates existing unmodified text omitted from Resolution

30  
31 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**  
32 **ABERDEEN** that §IV. The Mayor, Sections IV.1, IV.2, IV.3, IV.4, IV.5, IV.6, and IV.7, of the  
33 Charter of the City of Aberdeen (as published by General Code Corporation), are repealed and  
34 reenacted, with amendments, to read as follows:

35  
36 §IV **The Mayor.**  
37

1. ((The Mayor holding office at the time of adoption of this Charter shall continue to hold office for the term for which he was elected and until the succeeding Mayor takes office under the provisions of this Charter.)) Commencing in 2011, elections for Mayor shall be held every four years on the first Tuesday after the first Monday in November. Commencing in November 2011, the term of office shall be four years.
2. The Mayor shall retain office until a successor is duly sworn at the ((first)) ORGANIZATIONAL MEETING OF THE Council ((meeting)) following the election.
3. The Mayor shall have the qualifications set forth in this section at the time of election or appointment to fill a vacancy in the office of Mayor and during the entire term of office. The Mayor must have been domiciled in the City for at least two years immediately preceding election or appointment and must be a qualified voter of the City. The Mayor shall be at least 25 years of age on the fourth Monday in November following the mayoral election or at the time of appointment to fill a vacancy in the office of Mayor. A candidate for Mayor must not also simultaneously be a candidate for City Council member. If a member of the City Council is elected or appointed Mayor, that person shall be deemed to have resigned as a member of the City Council upon assuming the office of Mayor.
4. The Mayor shall receive an annual salary as set from time to time by ordinance passed by the Council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor. Until changed by ordinance under the authority of this section, the annual compensation of the Mayor shall be ((\$10,000)) \$20,000.
5. The Mayor shall:
  - a. Establish the emphasis, direction, and vision of the City in conjunction with the Council.
  - b. Plan for the future, welfare, and business interest of the City in conjunction with the Council.
  - c. Prepare and present the annual budget for approval by the Council, in keeping with the emphasis, direction, and vision established with the Council.
  - d. Assure on behalf of the Council that the ordinances of the City are faithfully executed ((by the City Manager)) and that the disbursement of all moneys is in accordance with the budget approved by the Council. The Mayor ((may consult with the City Manager, as needed, to)) SHALL DETERMINE the day-to-day priorities of the City. The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process, and by the governor for purpose of military law.
  - e. Appoint ((the City Manager and)) all members of commissions and boards as established by this Charter, subject to the approval of the Council.

f. ~~h~~ ((Report annually to the Council the state of the City government and make such recommendations as may be proper for the public good and welfare of the City.

g.)) ~~F~~. Establish ((an Economic Development Commission, Ethics Commission, a Parks and Recreation Board, Board of Appeals, Planning Commission, and)) such ((other)) boards and commissions as may be appropriate, subject to the advice and approval of the Council.

((h.)) G. Sign all documents obligating the City to long-term debt and shall sign all documents and contracts for which Council approval is required or for which signature authority has been delegated to the Mayor.

((i.)) H. Have such other powers and duties as may be prescribed by this Charter or may be required by the Council not inconsistent with this Charter.

6. During temporary absence or illness of the Mayor and upon the Mayor's formal request, THE COUNCIL PRESIDENT ((a member of the Council chosen by the remainder of the Council)) shall perform the duties of the Mayor. In the event of the incapacity of the Mayor by reason of physical or mental disability, or otherwise, the Council may pass a formal resolution of temporary incapacity and direct ((a member of the Council chosen by the remainder of the Council)) THE COUNCIL PRESIDENT to perform the duties of the Mayor for a specific period. In the alternative, if the Council determines the incapacity of the Mayor to be permanent, it may by formal resolution declare the office of Mayor vacant. The Circuit Court for Harford County shall have exclusive jurisdiction to resolve all questions of incapacity of the Mayor upon the petition of the Mayor, the Council, or any qualified voter of the City. AT ANY TIME THE COUNCIL PRESIDENT SERVES AS THE ACTING MAYOR, THE COUNCIL PRESIDENT SHALL TEMPORARILY FORGO THE LEGISLATIVE POWERS GRANTED TO A COUNCILMEMBER UNDER THIS CHARTER, EXCEPT THAT THE COUNCIL PRESIDENT SHALL CONTINUE TO PERFORM THOSE DUTIES OF A COUNCIL PRESIDENT PRESCRIBED BY ARTICLE V, SECTION 7.B.

7. Except as provided in Section IV.8 of this Charter, in case of a vacancy in the office of Mayor, for any reason, the Council shall, by a majority vote of the entire Council, elect a person satisfying the qualifications in § IV.3 to fill the vacancy for the remainder of the unexpired term. IN THE EVENT OF A VACANCY IN THE OFFICE OF THE MAYOR, THE COUNCIL PRESIDENT SHALL PERFORM THE DUTIES OF THE MAYOR UNTIL THE MAYOR'S SUCCESSOR IS ELECTED BY THE COUNCIL AND TAKES OFFICE. EXCEPT AS PROVIDED IN SUBSECTION A., A PERMANENT VACANCY IN THE OFFICE OF THE MAYOR AS DETERMINED BY RESOLUTION OF THE COUNCIL SHALL BE FILLED WITHIN 60 DAYS OF ITS OCCURRENCE. IF THE COUNCIL DOES NOT FILL THE VACANCY WITHIN 60 DAYS OF ITS OCCURRENCE, THE VACANCY SHALL BE FILLED BY A SPECIAL ELECTION TO BE HELD WITHIN 60 DAYS AFTER THE COUNCIL'S RESOLUTION.

A. IF A PERMANENT VACANCY IN THE OFFICE OF THE MAYOR OCCURS WITHIN ONE YEAR OF THE NEXT REGULARLY SCHEDULED CITY

ELECTION, THE COUNCIL PRESIDENT SHALL CONTINUE TO SERVE AS  
THE ACTING MAYOR FOR THE REMAINDER OF THE TERM.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE  
CITY OF ABERDEEN** that §IV. The Mayor, Sections V.8, and V.9, of the Charter of the City  
of Aberdeen (as published by General Code Corporation), are repealed as follows:

**§IV The Mayor.**

(( 8. In the case of a vacancy arising from the failure to elect a person to serve as Mayor because  
of a tie vote between two or more candidates receiving the highest number of votes for Mayor  
at a City election, the vacancy shall be filled as provided in this section.

a. The vacancy shall be filled by a special run-off election between the candidates who  
received the same number of votes at the City election. The Aberdeen Board of Elections  
promptly shall notify the candidates in writing of the date of the run-off election.

b. The run-off election shall be conducted not more than 30 business days after the  
Aberdeen Board of Elections certifies the results of the City election in accordance with  
Section VII.12 of this Charter.

c. A candidate may decline to participate in a run-off election by filing with the City Clerk  
a written and notarized declination of participation within two business days after the  
Board notifies the candidates of the date of the special election. If a candidate's  
declination of participation leaves only one remaining candidate to participate in the run-  
off election, the run-off election shall not be held and the remaining candidate shall be  
deemed to be elected.

d. If a run-off election results in a tie vote, another run-off election shall be conducted  
between the candidates receiving the same number of votes at the run-off election. The  
subsequent run-off election shall be conducted not more than 30 business days after the  
Aberdeen Board of Elections certifies the results of the prior run-off election in  
accordance with Section VII.12 of this Charter.

e. If a second run-off election results in a tie vote, the newly elected City Council shall  
decide, by the affirmative vote of a majority of the entire Council, which of the tied  
candidates is the winner of the election. If no winner is selected by the affirmative vote  
of a majority of the entire Council within 30 business days after the Aberdeen Board of  
Elections certifies the results of the second run-off election, the Aberdeen Board of  
Elections shall decide the winner of the election by a game of chance determined and  
conducted by the Board in public between the tied candidates.))

((9. Notwithstanding any other provision of this Charter, in the event of a tie vote in an election  
for the office of Mayor, the incumbent Mayor shall remain in office until the Mayor's successor  
qualifies and takes office.))

**SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE  
CITY OF ABERDEEN** that new Section V.8 is hereby added to §IV. The Mayor, of the Charter

of the City of Aberdeen (as published by General Code Corporation), to follow immediately after Section V.7 and to read as follows:

**§IV The Mayor.**

8.

A. THE MAYOR SHALL BE ELECTED USING A RANKED CHOICE VOTING SYSTEM ALLOWING VOTERS TO RANK IN ORDER OF THEIR PREFERENCE THE CANDIDATES FOR MAYOR APPEARING ON THE BALLOT. IF, AFTER COUNTING ALL VOTERS' FIRST CHOICE LISTED ON THEIR BALLOTS FOR MAYOR, NO CANDIDATE RECEIVES A MAJORITY OF VOTES CAST, THE CANDIDATE WITH THE FEWEST VOTES SHALL BE ELIMINATED. EACH BALLOT SHALL BE TALLIED AGAIN FOR THAT OFFICE COUNTING THE VOTE FROM EACH BALLOT FOR THE HIGHEST RANKED CANDIDATE WHO HAS NOT BEEN ELIMINATED. IF STILL NO CANDIDATE FOR MAYOR RECEIVES A MAJORITY, THE PROCESS SHALL BE REPEATED UNTIL A CANDIDATE RECEIVES A MAJORITY OF THE VOTES FOR THAT OFFICE. THE CANDIDATE RECEIVING A MAJORITY OF VOTES FOR MAYOR SHALL BE DECLARED ELECTED.

B. TO FACILITATE BALLOT COUNTING BY HAND IN ANY ROUND, THE JUDGES OF ELECTION MAY ELIMINATE ALL CANDIDATES WITH NO CHANCE OF WINNING. A CANDIDATE HAS NO CHANCE OF WINNING IF THE SUM TOTAL OF ALL VOTES CREDITED TO THAT CANDIDATE AND ALL CANDIDATES WITH THE SAME OR FEWER VOTES IS LESS THAN THE NUMBER OF VOTES CREDITED TO THE CANDIDATE WITH THE NEXT GREATEST NUMBER OF VOTES.

C. IF A BALLOT HAS NO MORE AVAILABLE CHOICES RANKED ON IT, THAT BALLOT SHALL BE DECLARED "EXHAUSTED" AND NOT COUNTED IN THAT ROUND OR ANY SUBSEQUENT ROUND. BALLOTS SKIPPING ONE NUMBER SHALL BE COUNTED FOR THAT VOTER'S NEXT CLEARLY INDICATED CHOICE, BUT BALLOTS SKIPPING MORE THAN ONE NUMBER SHALL BE DECLARED EXHAUSTED WHEN THIS SKIPPING OF NUMBERS IS REACHED. BALLOTS WITH TWO OR MORE OF THE SAME NUMBER SHALL BE DECLARED EXHAUSTED WHEN SUCH DUPLICATE RANKINGS ARE REACHED UNLESS ONLY ONE OF THE CANDIDATES WITH THE DUPLICATE RANKING IS AN ADVANCING CANDIDATE.

D. IN THE EVENT OF A TIE THAT AFFECTS THE OUTCOME OF THE ELECTION, THE TIE SHALL BE BROKEN BY COMPARING THE VOTES OF THE TIED CANDIDATES IN THE PREVIOUS ROUNDS OF COUNTING, STARTING WITH THE COUNT IMMEDIATELY PRECEDING THE ROUND IN WHICH THE TIE OCCURS. IF ONE OF THE TIED CANDIDATES HAD MORE VOTES THAN THE REMAINING TIED CANDIDATES IN THE PRECEDING ROUND OR AN EARLIER ROUND OF COUNTING, THEN THAT CANDIDATE SHALL ADVANCE AND THE

~~OTHERS SHALL BE ELIMINATED. IF THE CANDIDATES WERE TIED IN EACH PRECEDING ROUND, THEN THE TIE SHALL BE RESOLVED BY LOT.~~

~~E. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, THIS SUBSECTION E. APPLIES WHEN THERE ARE ONLY TWO CANDIDATES FOR MAYOR, EACH OF WHOM RECEIVE AN EQUAL NUMBER OF FIRST CHOICE VOTES IN THE FIRST ROUND OF COUNTING. IN SUCH A SITUATION, THE BALLOTS SHALL BE TALLIED AGAIN AND THE CANDIDATE WHO RECEIVED THE GREATEST NUMBER OF COMBINED FIRST CHOICE AND SECOND CHOICE VOTES IN THE SECOND ROUND OF COUNTING SHALL BE ELECTED MAYOR. IF BOTH CANDIDATES REMAIN TIED AFTER THE SECOND ROUND OF COUNTING, THE TIE SHALL BE RESOLVED BY LOT.~~

~~F. THE BOARD OF ELECTIONS MAY MODIFY THE FORM OF THE BALLOTS, THE INSTRUCTIONS TO VOTERS, AND THE DETAILS WITH RESPECT TO THE METHOD OF MARKING, SORTING, COUNTING, INVALIDATING, AND RETAINING BALLOTS AND THE TABULATING AND RECOUNTING OF VOTES PURSUANT TO THIS SECTION, PROVIDED THAT NO CHANGE SHALL BE MADE THAT WILL ALTER THE INTENT OR PRINCIPLES OF RANKED CHOICE VOTING AS SET FORTH IN THIS SECTION.~~

**SECTION 4.2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that §VI. Officers, Department Heads and Employees, Sections VI.1, VI.2, VI.3, VI.4, VI.5, VI.6, VI.7, VI.8, VI.12 and V.13, of the Charter of the City of Aberdeen (as published by General Code Corporation), are repealed and reenacted, with amendments, to read as follows:

**§VI Officers, department heads and employees.**

1. All officers and department heads established under this section of the Charter shall be appointed by the ((City Manager)) MAYOR subject to the approval of the Council. Except as expressly set forth in this Charter, all such officers and department heads shall be removed only for cause upon ~~the action~~ REQUEST of the ((City Manager)) MAYOR AND SUBJECT TO THE AFFIRMATION BY A MAJORITY OF THE ENTIRE COUNCIL, PROVIDED THAT THE MAYOR DELIVERS TO THE COUNCIL WITHIN THREE BUSINESS DAYS AFTER REMOVAL WRITTEN NOTICE OF THE REASONS FOR ANY SUCH REMOVAL.

2. ((City Manager)) MAYOR AS CHIEF EXECUTIVE OFFICER.

a. ((The Council shall appoint a City Manager. The City Manager shall be appointed based solely on the merits of his or her academic background and related work experience. At the time of appointment, the City Manager shall be a full member in good standing of the International City and County Management Association.)) THE MAYOR SHALL BE THE CHIEF EXECUTIVE AND OPERATING OFFICER OF THE CITY AND AS SUCH IS RESPONSIBLE FOR THE DAILY OPERATIONS OF THE CITY GOVERNMENT.

b. The ((City Manager)) MAYOR shall:

- i. ((Be the chief executive and operating officer of the City and as such is responsible for the daily operations of the City government.)) SUBJECT TO BUDGETARY APPROPRIATIONS AND APPROVAL OF THE COUNCIL, APPOINT SUCH SUBORDINATE OFFICIALS OR EMPLOYEES AS THE MAYOR DEEMS NECESSARY OR DESIRABLE TO ASSIST THE MAYOR IN COORDINATING AND OVERSEEING THE DAILY OPERATIONS OF THE CITY GOVERNMENT.
- ii. Be responsible to implement the policies of the Council to ensure that the City is operated in an efficient and effective manner.
- iii. Supervise all departments, offices and agencies, including the Department of Planning and Community Development, Department of Public Works, Department of Finance, Office of the City Clerk, and Police Department, and appoint and remove department heads.
- iv. Establish policies as may be necessary for proper administration.
- v. Supervise and coordinate the administrative functions of the several offices, departments, commissions, boards, and agencies.
- vi. Supervise the City Treasurer and the financial administration of the City, including preparation of budgets, expenditure of funds, accounting, and procurement.
- vii. Prepare and submit an annual report to the Council on the state of the City government and make such recommendations as may be proper for the public good and welfare of the City.
- viii. Be responsible for the care and custody of City property.
- ix. Obtain adequate insurance coverage against loss of property and liability from civil suits.
- x. Assure that the ordinances of the City are faithfully executed and the disbursement of all moneys is in accordance with the budget as approved by the Council.
- xi. ((Serve)) UNLESS THE MAYOR, WITH APPROVAL OF THE COUNCIL, APPOINTS A PERSONNEL OFFICER, SERVE as the Personnel Officer and formulate personnel rules and regulations to be approved by the Council.
- xii. Award contracts and make purchases in case of accident, disaster, or other circumstances creating a public emergency, provided the ((City Manager)) MAYOR files promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

- xiii. Provide for the investigation of the affairs of the City or any City department and report any deficiencies to the Council.
  - xiv. Provide for the investigation of all complaints in relation to the administration of City government and in relation to services provided by the public utilities in the City.
  - xv. Assure the compliance of all franchises, permits, and privileges granted by the City.
  - xvi. ((For documents not executed by the Mayor, or documents delegated for execution by the Mayor, be)) BE the signatory on behalf of the City on all contracts, agreements and other documents that legally bind the City.
- ((c. The City Manager shall serve at the pleasure of the Council and may be removed by a majority vote of the entire Council for cause. The Mayor or any member of the Council may initiate the proceedings for the City Manager's removal. Unless for reasons of criminal activity by the City Manager, the Mayor or a Council member may not initiate proceedings for removal for 90 days following a municipal election or appointment of a Mayor or member of the Council.))
3. The ((City Manager)) MAYOR with the approval of the Council shall appoint a City Treasurer who shall be the custodian of the City funds and shall be charged with their care, management and safekeeping. The City Treasurer shall discharge such responsibilities under the general supervision of the ((City Manager)) MAYOR and shall:
    - a. Prepare at the request of the ((City Manager)) MAYOR an annual budget to be submitted by the ((City Manager)) MAYOR to the Council.
    - b. Be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.
    - c. Maintain a general accounting system for the City in such form as the Council may require.
    - d. Submit a complete financial report at the end of each fiscal year and at such other times as the Council may require.
    - e. Determine that all taxable property within the City is assessed for taxation.
    - f. Collect and receive all taxes, special assessments, license fees, liens and all other revenues due to the City or which the City is responsible for collecting.
    - g. Have custody of all public moneys, bonds, and notes belonging to or under the control of the City except as to funds in the control of any set of trustees.
    - h. Perform such other tasks in relation to the fiscal or financial affairs of the City as the Council or this Charter may require.
  4. The ((City Manager)) MAYOR with the approval of the Council shall appoint a Director of Public Works who shall be responsible for the construction, maintenance and supervision of

City streets, roads, and water and sewer systems, all capital assets, waste disposal, and such duties as may be required by the ((City Manager)) MAYOR. The Director of Public Works shall discharge such responsibilities under the general supervision of the ((City Manager)) MAYOR.

5. The ((City Manager)) MAYOR with the approval of the Council shall appoint a Chief of Police who must be at least 30 years of age and qualified by experience in police work, executive ability, law enforcement, character, and general fitness for his position, who shall be the head of the Police Department. The Police Department shall preserve the peace, enforce the ordinances of the City, prevent and detect crime, and perform all related duties of law enforcement. The Aberdeen police are authorized to cooperate with other police agencies to enforce the law in Harford County within and outside the City. The Chief of Police shall discharge such responsibilities under the general supervision of the ((City Manager)) MAYOR.
6. The ((City Manager)) MAYOR with the approval of the Council shall appoint a Director of Planning and Community Development. The Director shall be selected on the basis of knowledge and experience in the field of planning, zoning and community development and administration. The Director shall be responsible for the administration of planning and zoning within the City, advise the Planning Commission and the Board of Appeals with regard to all zoning cases and perform such other duties as may be required by the ((City Manager)) MAYOR. The Director of Planning and Community Development shall discharge such responsibilities under the general supervision of the ((City Manager)) MAYOR.
7. The ((City Manager)) MAYOR with the approval of the Council shall appoint a City Clerk. The City Clerk shall be charged with the preservation of all City records. The City Clerk shall also be responsible to record and preserve the proceedings of the Council. The City Clerk's minutes shall remain the official journal of the Council proceedings. The City Clerk shall discharge such responsibilities under the general supervision of the ((City Manager)) MAYOR.
8. The Council shall appoint a City Attorney. The City Attorney shall be a member of the Bar of the State of Maryland and experienced in governmental law. The City Attorney shall be the legal advisor of the City and shall perform such duties as may be required by the Council. Compensation shall be determined by the Council. The City Attorney shall serve at the pleasure of the Council and may be removed by a vote of the majority of the entire Council. The City has the power to employ such legal assistants and to obtain such legal services as it deems necessary from time to time. The ((City Manager)) MAYOR shall be the primary contact with the City Attorney.
12. Neither the Council nor any of its members shall direct or request the appointment of any person to an office or employment or his or her removal from office or employment by the ((City Manager)) MAYOR or by any of the ((Manager's)) MAYOR'S subordinates. Except for the purpose of inquiry AND THE PREPARATION OF LEGISLATION, the Council shall deal with the administrative service solely through the ((City Manager)) MAYOR, and ((neither the Mayor nor any)) NO Council member shall give orders to any subordinates of the ((City Manager)) MAYOR, either publicly or privately.
13. ((In the event of a vacancy in the position of City Manager, the Council shall appoint a person to serve as chief executive and operating officer for a temporary basis not to exceed 180 days,

and that person shall have all of the responsibilities of the chief executive and operating officer, except that the)) THE termination of a department head must be approved by a vote of the majority of the entire Council during ((this)) THE temporary period OF A VACANCY IN THE OFFICE OF THE MAYOR.

**SECTION 5 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that §VIII. Finance and Taxation, Section VIII.3, of the Charter of the City of Aberdeen (as published by General Code Corporation), is repealed and reenacted, with amendments, to read as follows:

**§VIII Finance and taxation.**

3. The ((City Manager)) MAYOR, at least 40 days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be left in the office of the Treasurer, open to public inspection during normal business hours.

**SECTION 6 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that §V. The City Council, Sections V.1, V.2, V.3, V.4, V.6, and V.7, Charter of the City of Aberdeen (as published by General Code Corporation), is repealed and reenacted, with amendments, to read as follows:

**§V The City Council.**

1. All legislative powers of the City shall be vested in the "Council" consisting of four Council members and the Mayor, ~~EXCEPT THAT COMMENCING WITH THE ELECTION TO BE HELD IN NOVEMBER, 2023, THE COUNCIL SHALL CONSIST OF THE MAYOR AND SIX COUNCIL MEMBERS.~~ ((The Council members holding office at the time of the adoption of this Charter shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under provisions of this Charter.))
2.
  - a. Commencing in November 2011, elections for Council shall be held every four years on the first Tuesday after the first Monday in November. ((Commencing in November 2011)) EXCEPT AS PROVIDED IN SUBSECTION B., the term of office shall be four years.
  - B. COMMENCING WITH THE ELECTION TO BE HELD IN NOVEMBER, 2023, COUNCIL MEMBERS SHALL BE ELECTED TO STAGGERED TERMS TO BE IMPLEMENTED AS PROVIDED IN THIS SUBSECTION. THE ~~THREE~~ TWO CANDIDATES FOR COUNCIL WHO RECEIVE THE HIGHEST NUMBER OF VOTES EACH SHALL BE ELECTED FOR A TERM OF FOUR YEARS, AND THE REMAINING CANDIDATES SHALL BE ELECTED FOR AN INITIAL TERM OF TWO YEARS. AT THE ELECTION TO BE HELD IN NOVEMBER, 2025, THE ~~THREE~~ TWO CANDIDATES FOR COUNCIL RECEIVING THE HIGHEST NUMBER OF VOTES EACH SHALL BE ELECTED FOR TERMS OF FOUR YEARS.

3. All Council members shall serve until their successors are duly elected and qualified. Duly elected Council members shall take office ((on the Monday)) AT THE ORGANIZATIONAL MEETING OF THE COUNCIL following the election.
4. Each Council member shall have the qualifications set forth in this section at the time of election or appointment to fill a vacancy in the office of Council member and during the entire term of office. Council members shall have been domiciled in the City for at least two years immediately preceding their election or appointment and must be qualified voters of the City.
6. The newly elected Council shall TAKE OFFICE AND meet on the FOURTH Monday IN NOVEMBER following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the ((City Manager, the)) Mayor or at least two members of the Council. Except for such meetings permitted to be closed under the Maryland Open Meetings Act, all meetings, regular and special, of the Council shall be public meetings and open to the public at all times. No ordinance, resolution, rule or regulation shall be finally adopted except at an open meeting. The rules of the Council shall provide that residents of the City and other interested parties shall have a reasonable opportunity to be heard at any open public meetings with regard to any municipal question.
7.
  - A. The Mayor shall preside at all meetings of the City Council and ((shall have the right to vote on all issues)) MAY VOTE ONLY TO BREAK A TIE. THE MAYOR MAY NOT SPONSOR ORDINANCES OR RESOLUTIONS BEFORE THE COUNCIL.
  - B. AT EACH ORGANIZATIONAL MEETING OF THE COUNCIL, AND AT A REGULAR OR SPECIAL MEETING TWO YEARS THEREAFTER, THE COUNCIL SHALL ELECT A COUNCIL PRESIDENT FROM AMONG THEMSELVES, FOR A TERM OF TWO YEARS. IN ADDITION TO THE RESPONSIBILITIES PROVIDED IN SECTIONS IV.6 AND IV.7 OF THIS CHARTER, THE COUNCIL PRESIDENT SHALL SET THE COUNCIL'S LEGISLATIVE AGENDA AND PLACE LEGISLATIVE ITEMS ON THE COUNCIL'S LEGISLATIVE AGENDA AS LONG AS AN ITEM HAS AT LEAST TWO SPONSORS; SHALL APPOINT COUNCILMEMBERS AS LIAISONS TO CITY BOARDS AND COMMISSIONS; AND SHALL PERFORM SUCH OTHER LEGISLATIVE DUTIES AS PRESCRIBED BY THE COUNCIL NOT INCONSISTENT WITH THE DUTIES OF THE MAYOR.

**SECTION 7.5. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that §VII. Elections and Board of Elections, Section VII.14, Charter of the City of Aberdeen (as published by General Code Corporation), is repealed and reenacted, with amendments, to read as follows:

**§VII Elections and Board of Elections.**

14. The Council shall have the power to provide by ordinance in every respect not covered by the provisions of the City Charter for the conduct of registration and City elections and for the prevention of fraud in connection with the City election and for a recount of ballots in case of

doubt or fraud, INCLUDING PROVIDING FOR THE PAYMENT OF THE COST OF A RECOUNT BY THE CANDIDATE REQUESTING THE RECOUNT. THE COUNCIL SHALL PROVIDE BY ORDINANCE FOR THE CASTING OF VOTES BY ABSENTEE BALLOTS.

**SECTION 8 6. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that new Section VII.17 is hereby added to §V. Elections and Board of Elections, of the Charter of the City of Aberdeen (as published by General Code Corporation), to follow immediately after Section VII.16 and to read as follows:

**§VII. Elections and Board of Elections**

17. ELECTIONS FOR MAYOR AND MEMBERS OF THE COUNCIL ARE NON-PARTISAN. CANDIDATES SHALL NOT RUN FOR OR HOLD OFFICE AS THE REPRESENTATIVE OF OR NOMINEE OF ANY POLITICAL PARTY.

**SECTION 9 7. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that §X. General Provisions, Sections X.1. and X.3, Charter of the City of Aberdeen (as published by General Code Corporation), is repealed and reenacted, with amendments, to read as follows:

**§X General provisions.**

1. Oath required. Before entering upon the duties of their offices, the Mayor, the Council members, ((the City Manager,)) the City Clerk, Treasurer, the members of the Board of Elections, and all other persons elected or appointed to any office of profit or trust in the City government shall take and subscribe to the following oath or affirmation: "I, . . . ., do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of . . . ., according to the Constitution and laws of this state."
3. The ((City Manager,)) Treasurer, Director of Public Works, Director of Planning and Community Development, City Attorney, Chief of Police, City Clerk, and such other officers or employees of the City as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums for such bonds shall be paid by the City. ((The City Manager, the department heads, and City Attorney in office as of the date of adoption of this Charter shall continue in office after the effective date of this Charter until their resignation or removal.))

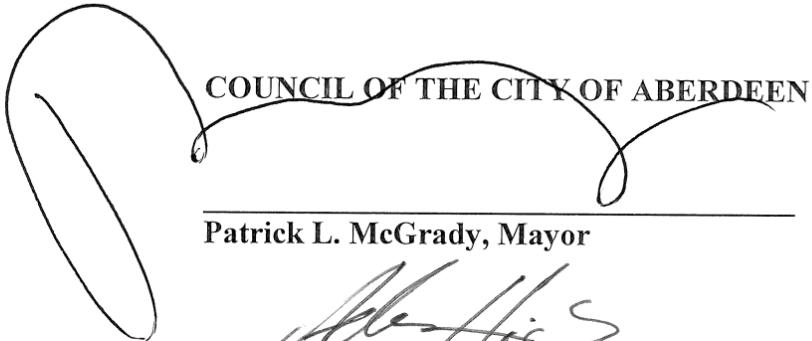
**SECTION 10 8. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that the date of adoption of this Resolution is July 11, 2022, and the amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on August 30, 2022, unless a proper petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in Aberdeen City Hall until August 20, 2022, and provided further that a copy of the title of this Resolution shall be published in The Aegis, a newspaper of general circulation in the City of

Aberdeen, or in any other newspaper of such general circulation, once in each of the weeks beginning July 15, July 22, July 29, and August 5, 2022.

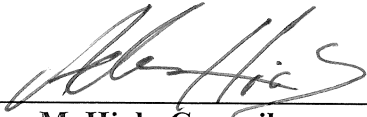
**SECTION ~~11~~ 9. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the provisions of Section 10, hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published. If a favorable referendum is held on the Charter change, the Mayor shall proclaim the Charter change hereby enacted to have been approved by the voters and the charter amendment shall become effective on the date provided by law.

**SECTION ~~12~~ 10. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by mail to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution showing the number of Councilpersons voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

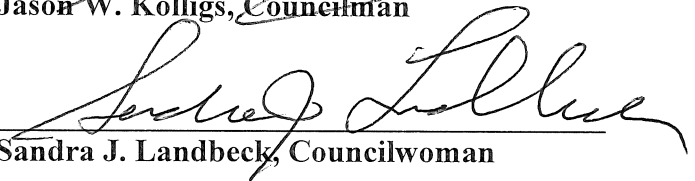
The above Charter Amendment was enacted by the foregoing Resolution which was passed at a regular meeting of the Council of the City of Aberdeen on July 11, 2022, three (3) members of the Council voting in the affirmative, zero (0) members of the Council voting in the negative, two (2) members of the Council abstaining, and zero (0) members of the Council absent, and the said Resolution becomes effective accordance with the law on the 30th day of August, 2022.

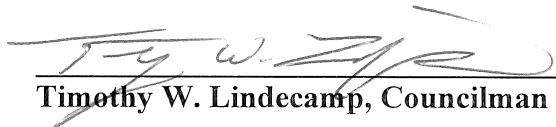
  
COUNCIL OF THE CITY OF ABERDEEN

\_\_\_\_\_  
Patrick L. McGrady, Mayor

  
\_\_\_\_\_  
Adam M. Hiob, Councilman

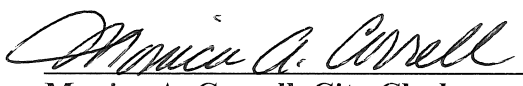
  
\_\_\_\_\_  
Jason W. Kolligs, Councilman

  
\_\_\_\_\_  
Sandra J. Landbeck, Councilwoman

  
\_\_\_\_\_  
Timothy W. Lindecamp, Councilman

ATTEST:

SEAL:

  
\_\_\_\_\_  
Monica A. Correll, City Clerk

Date July 11, 2022